

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

Civil No. 04-2267

CONTENTS OF FIRST COMMUNITY BANK OF
CRAWFORD COUNTY, ARKANSAS, ACCOUNT #13060,

CONTENTS OF FIRST COMMUNITY BANK OF
CRAWFORD COUNTY, ARKANSAS, ACCOUNT #13159,

and

CONTENTS OF BANK OF THE OZARKS, VAN BUREN,
ARKANSAS, ACCOUNT #2017000460

DEFENDANTS

ORDER

Comes on for consideration the motion of the United States, filed February 28, 2006, to compel claimants to answer/respond to the government's first set of interrogatories and requests for production of documents. (Doc. 14-1). Claimants Jose P. Mancilla, Jose Mancilla, Jr., and Hortencia Mancilla responded on March 9, 2006. (Doc. 16).

On August 22, 2005, I entered an order denying Jose P. Mancilla's motion for protective order and directing all claimants to respond to the United States' discovery requests no later than October 1, 2005. Jose P. Mancilla submitted amended answers to the discovery on September 27, 2005. The government contends, however, that he failed to provide complete answers to some interrogatories and failed to provide some requested documents. Further, Jose Mancilla, Jr. and Hortencia Mancilla wholly failed to respond to the discovery.

In their response to motion, claimants admit that the statements in the government's motion to compel are factually correct. By way of excuse, claimants state that they have had problems finding someone with the expertise to translate legal documents from Spanish to English and that the task has fallen upon their attorney, Milton A. DeJesus, to complete the lengthy process. Claimants state they will use renewed efforts to obtain documents needing no translation which will be provided immediately.

Based on the matters presented, the motion to compel is GRANTED.

Accordingly, claimant Jose P. Mancilla is directed to answer completely and in a non-evasive manner the following interrogatories: 1, 2 (facts upon which you rely, witnesses and their addresses and telephone numbers, and the requested documents not subject to work product privileges), 3 (income from River Valley golf during requested time period), and 4 (names of witnesses you will rely on regarding each transaction). Further, regarding Request for Production No. 2, Jose P. Mancilla is to provide copies of the requested bank statements for the time period requested, that being January 1, 2002, through June 30, 2005.

Further, claimants Jose Mancilla, Jr. and Hortensia Mancilla are hereby directed to answer completely and in a non-evasive manner the interrogatories submitted and to provide all non-privileged documents in response to requests for production.

Claimants are to provide the above materials **on or before March 24, 2006.**

The court will not assess attorney fees against the claimants in relation to the instant motion to compel. However, the court will assess such awards in the event the United States is forced to pursue this matter further.

IT IS SO ORDERED this 10th day of March 2006.

/s/Beverly Stites Jones
HON. BEVERLY STITES JONES
UNITED STATES MAGISTRATE JUDGE